

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman
Director of Compliance

DATE: May 11, 2001

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated April 13, 2001. If you would like additional information, please let me know.

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Part I

Investigations Completed

Cases Scheduled For Hearing:

Mukilteo School District -- #00-884; Investigator: Lori Anderson

Date Received: April 11, 2000

Date Started: April 18, 2000

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from George Annillo alleging that officials of the Mukilteo School District used, or authorized the use of, public facilities to support the bond and levy election scheduled for May 16, 2000. It was alleged that officials of the District published a Mid-Year Report, a letter from the President of the School Board, and other informational material that promoted passage of the May 16, 2000 bond and levy. An enforcement hearing has been scheduled for May 22, 2001.

Disposition: Pending

King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-203

Investigator: Nick Hawkinson

Date Received: March 28, 2001

Date Started: April 3, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Monte Benham of Permanent Offense alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations. An enforcement hearing has been scheduled for May 22, 2001.

Disposition: Pending

King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-204

Investigator: Nick Hawkinson

Date Received: March 29, 2001

Date Started: April 5, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from David Cornelson alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations. An enforcement hearing has been scheduled for May 22, 2001.

Disposition: Pending

Washington State Council of Firefighters (See Unions and Candidates) Case #00-935; Investigator: Nick Hawkinson

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Washington State Council of Firefighters violated RCW 42.17.180 by failing to file PDC form C-7 for 1998 campaign activity. A brief enforcement hearing has been scheduled for May 21, 2001 to determine whether the Respondent violated RCW 42.17.180 by failing to file PDC form L-3c for 1998 and by failing to include a \$10,000 contribution on its annual Employer's Lobbying Expenses report for 1998.

Disposition: Pending

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Issaquah School District (Janet Barry, Superintendent)--Case #99-075; Investigator: Kurt Young

Date Received: March 8, 1999

Date Started: March 12, 1999

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Bill Elder, alleging that officials of the Issaquah School District used, or authorized the use of public facilities to support the District's construction bond ballot proposition which was on the ballot April 27, 1999. The complainant alleged that school district officials promoted the ballot proposition by producing information opposing "multi-tracking" while saying that if the construction bond measure fails, the district will have to go to "multi-tracking". The complainant alleged that school district officials have not presented a balanced, objective view of "multi-tracking", thus promoting the ballot measure.

Disposition: An enforcement hearing was held April 24, 2001. The parties stipulated that the Amended Notice of Administrative Charges issued on April 17, 2001 contained accurate statements of fact. The parties further stipulated that based upon the facts contained within the Amended Notice of Administrative Charges, the Commission would likely find multiple violations of RCW 42.17.130. The parties jointly recommended a proposed penalty of \$3,500. The Commission accepted the stipulated facts, violations and penalty and ordered that the Respondent had committed multiple violations of RCW 42.17.130. The Commission assessed a total civil penalty of \$3,500. The Commission suspended \$1,000 of the penalty based on the condition that the Respondent commit no further violations of RCW 42.17 for four years from the date the order is entered.

Bandarra, Robert—Case #01-001; Investigator: Nick Hawkinson

Date Received: July 6, 2000

Date Started: June 11, 2000

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Walter K. Backstrom, alleging that during 1999, Robert Bandarra used the public facilities of the Woodinville Water District, where he serves as General Manager, to assist his campaign for Bothell City Council. The complaint alleges that Mr. Bandarra used a Water District camera and other equipment to produce a campaign brochure.

Disposition: A brief enforcement hearing was held April 23, 2001. It was found that the Respondent violated RCW 42.17.130 by using or authorizing the use of public facilities to assist his 1999 campaign for Bothell City Council. A civil penalty of \$500 was assessed.

Citizens for Fair and Responsible Government - Case #01-030; Investigator: Lori Anderson

Date Received: September 8, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.040, .510, .530

Status: Investigation Complete

Summary: A complaint was received from Marty Gay, alleging that Citizens for Fair and Responsible Government published and mailed political advertising that contained a false statement of material fact with actual malice. The complaint also alleged that the advertisement did not contain proper sponsor identification.

Disposition: A brief enforcement hearing was held April 23, 2001. It was found that the Respondent violated RCW 42.17.040 by failing to list an address on its C-1pc where the committee's campaign records would be available for public inspection during the eight days before each election. In addition, it was found that the Respondent violated RCW 42.17.080 by failing to make its campaign records available for public inspection during the entire eight day period prior to the September 19, 2000 Primary election. A civil penalty of \$141 was assessed.

The following cases were dismissed with the concurrence of the Chair:

Fife City Council--#00-017; Investigator: Alan Steele

Date Received: August 6, 1999

Date Started: September 7, 1999

Section of Law: RCW 42.17.040 and .240

Status: Investigation Complete

Summary: A complaint was received from Garrett Spies alleging that several candidates for Fife City Council: (1) failed to file a Statement of Financial Affairs (RCW 42.17.240); (2) failed to file a Candidate Registration Statement (42.17.040); (3) sponsored false political advertising (42.17.530); and (4) falsely implied that a candidate was an incumbent City Council member (42.17.530).

Disposition: Dismissed with the concurrence of the Chair. (1) It was found that John Dekeyser publishes a newsletter entitled *Fifefacts*. It was alleged that the 1998 edition of *Fifefacts* contained a declaration of candidacy for 16 individuals, including John Dekeyser, George Crimm and Cedric Brooks. Mr. Dekeyser admitted that he "took liberties" with the statements of the 16 individuals quoted in *Fifefacts*. Because of Mr. Dekeyser's admission, PDC staff only looked at those candidates who actually filed declarations when considering whether a Personal Financial Affairs Statement (PDC form F-1) was timely filed. Two of the candidates were included in the PDC's annual F-1 compliance action and have

paid penalties for late filing. Two candidates, including Mr. Dekeyser, filed their F-1 late, but due to the circumstances, were cautioned without further enforcement action. (2) We found that because the city of Fife had only 1,728 registered voters (less than 5,000) the provisions of RCW 42.17 relating to the financing of election campaigns did not apply to candidates for Fife city council. (3) It was alleged that two individuals who wrote articles for the *Fifefacts* newsletter sponsored false political advertising by the statements in their articles. It was found that the articles contained the opinions of the authors that do not constitute false political advertising. (4) It was found that in a publication of Mr. Dekeyser, he failed to clearly state that he was seeking the office of Fife city council, leaving it unclear as to whether he was stating that he currently held the city council position. However, there was not clear and convincing evidence that Mr. Dekeyser's statement about his candidacy for Fife city council Position #7 was made with actual malice. Mr. Dekeyser was cautioned to carefully adhere to the facts when writing about other individuals and their potential candidacies. He was also cautioned to avoid statements in political advertising that could be viewed as falsely representing that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.

Kerr, Carolyn - Case #01-169; Investigator: Nick Hawkinson

Date Received: December 14, 2000

Date Started: December 19, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Hazel Coomes, Deborah Leigh and Jack Nevins alleging that Carolyn Kerr failed to report as in-kind contributions the value of work done on behalf of her 1999 campaign for Shelton Commissioner of Finance.

Disposition: Dismissed with the concurrence of the Chair. It was found that the City of Shelton is a political subdivision of the State of Washington that does not encompass a whole county, and that contained 3,828 registered voters as of the date of the 1998 general election. The PDC had not received a "petition for disclosure" under RCW 42.17.405 asking the Commission to reinstate the reporting provisions of RCW 42.17 for candidates in the City of Shelton. Therefore, candidates for public office in the City of Shelton, including Ms. Kerr's campaign for City Commissioner of Shelton, are exempt from the reporting requirements of RCW 42.17. Thus, there was no violation for failure to report campaign contributions.

Cases Referred To Attorney General for Further Action

Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

Summary: A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor's office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

Disposition: The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the Attorney General's Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General's Office. It was agreed that if the Attorney General's Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General's Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General's Office and a superior court. The Commission also found that if no action is taken by the Attorney General's Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action was not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of

RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

Part II

Active Investigations

Investigations In Progress

Citizens Committee for Arlington Schools -- #00-882; Investigator: Lori Anderson

Date Received: March 20, 2000

Date Started: March 27, 2000

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Frank A. Cencak, Barbara J. Cencak, and Charles L. Funk alleging that Citizens for Arlington Schools included their names in newspaper advertisements as endorsing the Arlington School District levy and two bond issues without authorization.

Disposition: Pending

Pierce County Fire District No. 21 – Case #00-889; Investigator: Nick Hawkinson

Date Received: May 11, 2000

Date Started: May 11, 2000

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: On January 21, 1999 a complaint filed by Donald W. Crisman against officials of Pierce County Fire District No. 21 was dismissed with the concurrence of the Chair of the Commission. The complaint alleged that officials of the District used, or authorized the use of, public facilities to assist a candidate's campaign. The PDC has received additional information from Fire District 21 officials concerning an internal investigation into allegations of misconduct by a Fire District employee. Upon review of the additional material received, PDC staff has decided to re-open its investigation, as Case #00-889, into alleged violations of RCW 42.17 by officials of Pierce County Fire District No. 21.

Disposition: Pending

Roach, Dan - Case #01-032; Investigator: Kurt Young

Date Received: September 18, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.080, .090

Status: Under Investigation

Summary: A complaint was received from Yvonne Kinoshita Ward, alleging that Dan Roach, a candidate for State Representative in the 31st Legislative District, has not timely filed reports of contributions received (PDC Form C-3).

Disposition: Pending

Highline School District - Case #01-034; Investigator: Nick Hawkinson

Date Received: July 11, 2000

Date Started: September 29, 2000

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Complaints were received from Paul Willoughby and Joseph Coomer, alleging that officials of the Highline School District have used public facilities to support a ballot proposition, by sending out a promotional survey and by hiring a consultant to support passage of the ballot measure.

Disposition: Pending

Benton, Don--Case #01-132; Investigator: Suemary Trobaugh

Date Received: October 9, 2000

Date Started: October 17, 2000

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from Daniel M. Ogden, Chair of the Clark County Democratic Central Committee and Carrie Parks, Chair of the 17th District Legislative Democratic Committee, alleging a violation of RCW 42.17.640 and WAC 39-05-400 by Don Benton, a State Senator candidate seeking re-election in the 17th Legislative District. The complaint alleges that Senator Benton received three campaign donations totaling \$1,750 from Rowley Enterprises, Inc. The complaint also alleges that Senator Benton received three campaign donations totaling \$1400 from Koerick Sterling Communities, LLC. These contributions are alleged to be in excess of campaign limits.

Disposition: Pending

Simpson, Geoff--Case #01-133: Investigator - Nick Hawkinson

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Under investigation

Summary: A complaint was received from Senator Don Benton alleging that Mr. Simpson had used publicly owned Kent Fire Department equipment in his campaign advertising. Specifically, Senator Benton alleged that Mr. Simpson's campaign ads included photos of Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Kent Fire Department.

Disposition: Pending

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Under Investigation

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification.

Disposition: Pending

Transit Agencies--Case #01-139--Investigator: Nick Hawkinson

Date Received: October 24, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Paul Telford alleging that sixteen transit and Air Pollution agencies, plus the City of Seattle and King County, have used public facilities to oppose ballot propositions. He specifically alleged that the named agencies were affiliated with the Transportation Choices Coalition (Alt-Trans). He alleged that this affiliation included payment of dues that were then used in opposition to ballot propositions (Referendum 49, Initiative 695,

Initiative 745). He alleged that funds used in these opposition campaigns are public because the funds originated from public agencies.

Disposition: Pending

Hewitt, Mike--Case #01-140; Investigator: Suemary Trobaugh

Date Received: October 9, 2000

Date Started: October 26, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from William R. Stevens alleging that Michael J. Hewitt received an in-kind donations from the Walla Walla Republican Party Headquarters in the form of office space which was not reported. In addition, the complaint alleged that Mr. Hewitt amassed numerous unreported campaign expenses at the Walla Walla Chamber of Commerce where he is executive director. Specifically, the complainant alleged that Mr. Hewitt made long distance phone calls, used space for storage of yard signs, and used office equipment, and did not report receiving an in-kind contribution.

Disposition: Pending

Wimsett, Kevin--Case #01-145; Investigator: Suemary Trobaugh

Date Received: October 30, 2000

Date Started: November 2, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Deanne Weber alleging that Kevin Wimsett failed to timely file C3 and C4 reports during his 2000 campaign.

Disposition: Pending

Northshore School District--Case #01-166 Investigator: Lori Anderson

Date Received: November 8, 2000

Date Started: November 14, 2000

Section of law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sandra Elliot alleging that the Northshore School District used public facilities to promote a political campaign. Ms. Elliot alleged that Inglemoor High School allowed Maria Cantwell and U.S. Senator Tom Daschle to address a student assembly. She further alleged that the

presentation by Cantwell and Daschle was in support of the Cantwell candidacy, and that this occurred with the knowledge of the School District.

Disposition: Pending

CHS Engineers, Inc.--Case #01-167 Investigator: Nick Hawkinson

Date Received: November 27, 2000

Date Started: December 1, 2000

Section of law: RCW 42.17.120

Status: Under Investigation

Summary: A complaint was received from Michael J. West, a commissioner in the Val Vue Sewer District in South Seattle. Mr. West alleged that CHS Engineers, Inc. has made campaign contributions to candidates for Sewer District Commissioner, in various sewer districts, in a manner that conceals the true source of the contributions, in violation of RCW 42.17.120.

Disposition: Pending

Talbott, John for Strong Mayor, et. al – Case #01-181; Investigator: Lori Anderson

Date Received: January 10, 2001

Date Started: January 10, 2001

Section of Law: RCW 42.17.080, .090, .105, and .175

Status: Under Investigation

Summary: A complaint was filed by the Executive Director of the Public Disclosure alleging that the John Talbott for Strong Mayor Committee, Metropolitan Mortgage & Securities Company, Inc. (Metropolitan Mortgage), Citizens for Fair and Open Government (CFOG), Spokane Municipal Election Council (SMEC), and Spokane Voter Alliance (SVA) may have violated RCW 42.17. during 2000. The complaint alleged that Metropolitan Mortgage, CFOG, SMEC, and SVA may be affiliated and share a contribution limit under RCW 42.17.660, WAC 390-16-310(6) and WAC 390-16-309(3)(d) and may have exceeded the contribution limitations set forth in RCW 42.17.105(8) by contributing in excess of \$5,000 to the John Talbott for Strong Mayor Committee within 21 days of the 2000 general election. It was also alleged that there may have been violations of RCW 42.17.080, .090, and .175.

Disposition: Pending

Evergreen School District – Case #01-182; Investigator: Lori Anderson

Date Received: January 10, 2001

Date Started: January 19, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Senator Don Benton, 17th Legislative Dist., alleging that the Directors of the Evergreen School District used public facilities to dispute statements made in political advertisements circulated by Benton during his 2000 re-election campaign.

Disposition: Pending

White, James – Case #01-184; Investigator: Suemary Trobaugh

Date Received: January 31, 2001

Date Started: February 2, 2001

Section of Law: RCW 42.17.130 and .750

Status: Under Investigation

Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent used public facilities to send city employees invitations to his re-election campaign kickoff. He further alleged that Mayor White solicited contributions from city employees by enclosing with the invitation an envelope requesting contributions to support his re-election campaign.

Disposition: Pending

King County Fire District 40 – Case #01-186; Investigator: Nick Hawkinson

Date Received: February 5, 2001

Date Started: February 9, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Howard Meinzer alleging that officials of King County Fire District 40 used public facilities to support a fire district ballot proposition, in violation of RCW 42.17.130. The complaint alleged that the District Newsletter, Fireline, misrepresented benefit service charge information in a way that supported passage of the District's ballot proposition.

Disposition: Pending

Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh

Date Received: February 9, 2001

Date Started: February 16, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action

Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, has not registered or reported its activities to the PDC.
Disposition: Pending

International Association of Fire Fighters—Case #01-188; Investigator: Nick Hawkinson

Date Received: February 12, 2001

Date Started: March 2, 2001

Section of Law: RCW 42.17.640 and .660

Status: Under Investigation

Summary: A complaint was received from Bob Edelman alleging that the State Council of the International Association of Fire Fighters (IAFF) and certain of its affiliated local units violated the candidate contribution limits of RCW 42.17.640 for the 2000 election cycle. He also alleged that the candidates that accepted the over-limit contributions violated RCW 42.17.640, 42.17.660, and WAC 390-16-308(5).

Disposition: Pending

Gregoire, Christine—Case #01-190; Investigator: Suemary Trobaugh

Date Received: March 2, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.090 and .640

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the campaign of Attorney General Christine Gregoire received contributions after the 2000 election cycle had ended in violation of RCW 42.17.640. The complaint also alleged that the campaign failed to provide required employer and occupation information for certain contributors.

Disposition: Pending

Gregoire, Christine—Case #01-191; Investigator: Suemary Trobaugh

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.040 and .080

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the campaign for Attorney General Christine Gregoire failed to list on its registration statement for its surplus funds account a location to inspect campaign records during the eight days before an election, an alleged violation of RCW 42.17.040.

The complaint also alleged that due to the deficiency in the surplus funds registration statement, it was not possible to inspect campaign records during the eight days before the 2000 primary and general elections, an alleged violation of RCW 42.17.080.

Disposition: Pending

Gregoire, Christine—Case #01-192; Investigator: Suemary Trobaugh

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.040, .080, and .130

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the campaign for Attorney General Christine Gregoire failed to list on its registration statement a location to inspect campaign records during the eight days before an election until three days before the beginning of the inspection period for the 2000 primary election, an alleged violation of RCW 42.17.040. The complaint also alleged that due to the deficiency in the registration statement, it was not possible to inspect campaign records during the eight days before the 2000 primary election, an alleged violation of RCW 42.17.080. The complaint also alleged that the Gregoire campaign authorized the use of the offices of the Public Disclosure Commission by listing the PDC as the place where books and records could be inspected during the eight days before the 2000 election, an alleged violation of RCW 42.17.130.

Disposition: Pending

Gregoire, Christine—Case #01-193; Investigator: Suemary Trobaugh

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire either failed to list campaign expenditures for legal services or failed to list an in-kind contribution for the receipt of such services, an alleged violation of RCW 42.17.090.

Disposition: Pending

Gregoire, Christine—Case #01-194; Investigator: Suemary Trobaugh

Date Received: March 6, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.095

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire reimbursed her for a personal campaign contribution to the Democratic National Committee, an alleged violation of RCW 42.17.095.

Disposition: Pending

Gregoire, Christine—Case #01-195; Investigator: Suemary Trobaugh

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire accepted in-kind contributions in excess of the allowable limits when the campaign accepted a donation for a fundraiser held before the primary election, an alleged violation of RCW 42.17.640.

Disposition: Pending

Gregoire, Christine—Case #01-196; Investigator: Suemary Trobaugh

Date Received: March 8, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.090 and .640

Status: Under Investigation

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire accepted in-kind contributions in excess of the allowable limits when the campaign accepted a donation over several months for the use of an automobile during the campaign, an alleged violation of RCW 42.17.640. The complaint also alleged that the campaign failed to list an address for the company donating the use of the automobile, an alleged violation of RCW 42.17.090.

Disposition: Pending

Kingston Area Citizens Network--Case #01-197; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Nick Jewett alleging that the Kingston Area Citizens Network placed political advertising in the North Kitsap Herald newspaper opposing a school bond issue without first registering and reporting as a political committee.
Disposition: Pending

**Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198;
Investigator: Nick Hawkinson**

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

Tacoma School District—Case #01-199 Investigator: Lori Anderson

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Tacoma School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

Seattle School District—Case #01-200 Investigator: Lori Anderson

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Seattle School District failed to maintain open for

public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

Bethel School District—Case #01-201 Investigator: Lori Anderson

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Bethel School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

Clover Park School District—Case #01-202; Investigator: Lori Anderson

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Clover Park School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

Locke, Gary (2000 Campaign)—Case #01-205; Investigator: Suemary Trobaugh

Date Received: April 24, 2001

Date Started: April 30, 2001

Section of Law: RCW 42.17.640

Status: Under Investigation
Summary: A complaint was received from
Disposition: Pending

Washington Federation of State Employees—Case #01-206; Investigator: Suemary Trobaugh

Date Received: April 24, 2001
Date Started: April 30, 2001
Section of Law: RCW 42.17.640
Status: Under Investigation
Summary: A complaint was received from
Disposition: Pending

Amalgamated Transit Union Local 587—Case #01-219; Investigator: Kurt Young

Date Received: May 9, 2001
Date Started: May 9, 2001
Section of Law: RCW 42.17.040, .080, .090, & .730
Status: Under Investigation
Summary: A complaint was filed by the Executive Director of the Public Disclosure Commission alleging that
Disposition: Pending

Unions and Candidates – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954). Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. One case (#00-935) has been scheduled for a brief enforcement hearing on May 21, 2001.

Cases Under Review

Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

American Civil Rights Institute--Case #99-066; Investigator: Doug Ellis

Date Received: October 16, 1998

Date Started: October 20, 1998

Section of Law: RCW 42.17.100

Status: Under Review

Summary: A complaint was received from Kelly Evans, alleging that the American Civil Rights Institute engaged in political advertising in support of Initiative 200, and did not report its expenditures as an independent expenditure, or as an in-kind contribution to the political committee supporting Initiative 200. The American Civil Rights Institute is from Sacramento, California.

Disposition: Pending

Pioneer School District (Dick Sirokman)--Case #99-079; Investigator: Alan Steele

Date Received: April 19, 1999

Date Started: April 23, 1999

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from John E. Diehl, alleging that officials of Pioneer School District (Dick Sirokman, School Superintendent) used, or authorized the use of, school district facilities to promote a school ballot proposition. The complaint alleged that flyers (fact sheets) distributed by the school district were intended, by their timing and content, to promote an April 27, 1999 ballot proposition.

Disposition: Pending

Word, Terry--#00-253; Investigator: Alan Steele

Date Received: November 1, 1999

Date Started: November 8, 1999

Section of Law: RCW 42.17.080, .090, .130, 510, and .530

Status: Under Review

Summary: A complaint was received from Mark Noble alleging that Terry Word, a candidate for Commissioner, Thurston County Fire District No. 9: (1) exceeded the limits of the Mini Reporting option (42.17.080 and .090); (2) used public facilities to assist his campaign (42.17.130); (3) failed to include proper sponsor identification on political advertising (42.17.510); (4) implied an endorsement he did not have (42.17.530); and (5) distributed false political advertising (42.17.530).

Disposition: Pending

Finlayson, Troy--Case #00-257; Investigator: Nick Hawkinson

Date Received: November 10, 1999

Date Started: November 23, 1999

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A letter was received from the Washington State Auditor's office, along with the Audit Report prepared by the State Auditor's Office for Pierce County Fire Protection District No. 13 for the period January 1, 1996 through December 31, 1998. The letter and Audit Report revealed information concerning the possible use of public facilities by Troy Finlayson, a Fire Commissioner, in a way that may have assisted candidate campaigns and/or supported or opposed ballot propositions.

Disposition: Pending

King and Pierce County Officials—Case #00-873; Investigator: Kurt Young

Date Received: January 7, 2000

Date Started: January 10, 2000

Section of Law: RCW 42.17.190

Status: Under Review

Summary: A complaint was received from Shawn Newman alleging that officials of King, Pierce and Snohomish Counties improperly used public facilities to

indirectly lobby the legislature by sending out a flyer inviting people to Olympia to lobby for money for transit service lost by the passage of Initiative 695.

Disposition: Pending

Seattle Department of Parks and Recreation – Case #00-875; Investigator: Kurt Young

Date Received: February 2, 2000

Date Started: February 4, 2000

Section of Law: RCW 42.17.190

Status: Under Review

Summary: A complaint was received from A. D. Skip Knox alleging that officials of the Seattle Department of Parks and Recreation used public facilities to indirectly lobby the legislature regarding an effort to pursue legislation to create a Local Parks Authority (LPA).

Disposition: Pending

Seattle Department of Parks and Recreation – Case #00-876; Investigator: Kurt Young

Date Received: February 2, 2000

Date Started: February 4, 2000

Section of Law: RCW 42.17.190

Status: Under Review

Summary: A complaint was received from Christopher K. Leman alleging that officials of the Seattle Department of Parks and Recreation used public facilities to indirectly lobby the legislature regarding an effort to pursue legislation to create a Local Parks Authority (LPA).

Disposition: Pending

Facilities 2000 -- #00-883; Investigator: Kurt Young

Date Received: March 22, 2000

Date Started: March 27, 2000

Section of Law: RCW 42.17.040

Status: Under Review

Summary: A complaint was received from Clark E. Hager, Sr. alleging that Facilities 2000 is an unregistered political committee. Mr. Hager alleges that Facilities 2000 is a group of citizens attempting to put an issue on the ballot in Spokane County and that the group has failed to register with the Public Disclosure Commission.

Disposition: Pending

Concerned Citizens and Taxpayers -- #00-885; Investigator: Nick Hawkinson

Date Received: April 4, 2000

Date Started: April 18, 2000

Section of Law: RCW 42.17.040, .080, .090

Status: Under Review

Summary: A complaint was received from David Gittins alleging that an organization called Concerned Citizens and Taxpayers, Thomas E. Steininger, Chairman, has distributed political advertising opposing a school levy ballot proposition in Asotin County without registering and reporting as a political committee.

Disposition: Pending

Opp, Richard--Case #00-886; Investigator: Kurt Young

Date Received: June 19, 2000

Date Started: June 27, 2000

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Morris Martin Bereiter alleging that Mr. Opp has falsely represented himself as an incumbent County Commissioner in Pend Oreille County based on the wording on his yard signs.

Disposition: Pending

Forner, Elmira—Case #01-011; Investigator: Nick Hawkinson

Date Received: September 18, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.125

Status: Under Review

Summary: A complaint was received from Barbara Brinton alleging that Elmira Forner, a candidate for State Representative in the 12th Legislative District, used campaign funds for personal use when she purchased a membership in the chamber of commerce, when she made a campaign contribution to Slade Gorton's campaign, and when she paid for a newspaper subscription.

Disposition: Pending

Citizens for Fire District 16 EMS Levy Committee - Case #01-012; Investigator: Nick Hawkinson

Date Received: September 12, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from LaVaun Emmalee Tatro, alleging that the Citizens for Fire District 16 EMS Levy Committee falsely listed her name in a political advertisement as a supporter of an EMS ballot proposition.

Disposition: Pending

Namit, Charles - Case #01-031; Investigator: Nick Hawkinson

Date Received: September 15, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.240

Status: Under Review

Summary: A complaint was received from K.L Fields, alleging that Charles Namit, a North Thurston School Director, has understated his financial position on his Personal Financial Affairs Statements between 1993 and 2000.

Disposition: Pending

Boldt, Marcus - Case #01-033; Investigator: Lori Anderson

Date Received: September 21, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.510

Status: Under Review

Summary: A complaint was received from the 17th Legislative District Democrats, alleging that Marcus Boldt, a candidate for State Representative in the 17th Legislative District, mailed political advertising without a proper sponsor identification or party affiliation.

Disposition: Pending

Pope, Richard - Case #01-035; Investigator: Kurt Young

Date Received: September 25, 2000

Date Started: September 28, 2000

Section of Law: RCW 42.17.080, .090

Status: Investigation Complete

Summary: A complaint was received from Bob Guenther, Chairman, Lewis County Democrats, alleging that Richard Pope, a candidate for Attorney General, failed to timely file reports of contributions and expenditures during his campaign for Attorney General in 2000. A brief enforcement hearing was held February 26, 2001.

Disposition: Pending. Mr. Pope was found in violation of RCW 42.17.080 and 42.17.090 and assessed a civil penalty of \$500 with \$335 suspended on the condition that he commit no further violations of RCW 42.17 for a period of four years. In a letter dated February 27, 2001, Mr. Pope noted a deficiency in the complaint filed against him by Bob Guenther. He asked that the complaint be dismissed based on lack of jurisdiction since WAC 390-37-040 requires that a complaint filed against a candidate or elected official be in writing and signed by the complainant under oath. On March 23, 2001, Commission Chair Ronda Cahill directed that enforcement of Case No. 01-035 be stayed. She also rescinded her oral finding of a violation of RCW 42.17.080 and 42.17.090 and rescinded her assessment of a civil penalty of \$500 with \$335 suspended. No order was issued as a result of the February 26, 2001 brief enforcement hearing. On April 10, 2001, Mr. Guenther was informed of the Commission action. He was informed of how to correct the deficiency in his complaint, and was given 30 days from April 10th to re-file his complaint. Mr. Guenther was told that if the complaint was not resubmitted in the proper format within 30 days, it would be dismissed.

Griggs, Bryan--Case #01-135; Investigator: Suemary Trobaugh

Date Received: October 19, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Kirby Ralston, of Advertising & Supply, alleging that Bryan Griggs, a candidate for State Representative in the 41st Legislative District, did not properly report an order placed to Advertising & Supply of \$853.88 for yard signs and roll labels on Schedule B of PDC form C-4.
Disposition: Pending

Lehning, Bill--Case #01-137; Investigator: Kurt Young

Date Received: October 30, 2000

Date Started: November 3, 2000

Section of law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Doris Cornett alleging that Bill Lehning improperly submitted for and received reimbursement for expenses from Cowlitz County for activities related to his campaign. The complaint alleged that Mr. Lehning was paid for mileage and expenses to attend two candidate forums in Yale and Woodland, Washington.
Disposition: Pending

Citizens Alliance for Progress--Case #01-138: Investigator: Lori Anderson

Date Received: October 31, 2000

Date Started: November 2, 2000

Section of law: RCW 42.17.040, .080 and .090

Status: Under Review

Summary: A complaint was received from Louie Mitchell alleging that the Citizens Alliance for Progress, a Bremerton group, was collecting and disbursing funds without properly registering as a political committee. He alleged that the group is a PAC, using the names Citizens for Professional Reform, Citizens Alliance for Progress, and Bremerton Citizens Alliance for Progress..

Disposition: Pending

Guevara, Marta--Case #01-142; Investigator: Suemary Trobaugh

Date Received: October 30, 2000

Date Started: November 1, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Bill Gorman alleging that Ms. Guevara failed to timely file her June and July C3 reports, and that she failed to timely file her August C3 and C4 reports. The complaint also alleged that a campaign flyer from October 25, 2000 failed to contain proper sponsor identification.

Disposition: Pending

McDowell, William--Case #01-143 - Investigator: Nick Hawkinson

Date Received: October 30, 2000

Date Started: November 3, 2000

Section of law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Gene Coleman alleging that William McDowell, a candidate for Island County Commissioner, received over \$5,136 in in-kind contributions from Island Construction Company. He further alleged that the McDowell campaign failed to report these contributions as required by law.

Disposition: Pending

Washington State Labor Council--Case #01-146--Investigator: Nick Hawkinson

Date received: November 2, 2000

Date Started: November 6, 2000

Section of law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from then Representative Don Carlson alleging that The Washington State Labor Council had published erroneous information in a campaign brochure. He alleged that the brochure transposed names and offices, transposed Legislative Districts and misrepresented his position on collective bargaining.

Disposition: Pending

Opp, Dena--Case #01-168 Investigator: Anne Springer

Date Received: December 1, 2000

Date Started: December 6, 2000

Section of law: RCW 42.17.241

Status: Under Review

Summary: A complaint was received from Carol Cherry, alleging that Dena Opp, Mayor of Newport, Washington, has failed to properly list, on her Personal Financial Affairs Statement, the disposition of real property that occurred during 1998, and that she has not disclosed the income received by her spouse, in violation of RCW 42.17.241.

Disposition: Pending

No on Initiative 695 Committee – Case #01-183; Investigator: Nick Hawkinson

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of Teamsters (IBT) DRIVE Political Fund as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Pending

Sandelius, Steve—Case #01-189; Investigator: Nick Hawkinson

Date Received: February 27, 2001

Date Started: March 5, 2001

Section of Law: RCW 42.17.080, .090, and .130

Status: Under Review

Summary: A complaint was received from John Jovanovich alleging that Steve Sandelius, as manager of the Southwest Suburban Sewer District, used public facilities of the district to support his campaign for Commissioner of Soos Creek Water and Sewer District.

Disposition: Pending

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